

1  
2  
3  
4  
5  
6  
7  
8

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

9 UNITED STATES OF AMERICA,

No. C 89-00010 SI

10 Plaintiff,

**ORDER DENYING WITHOUT  
PREJUDICE DEFENDANT'S MOTION  
FOR APPOINTMENT OF COUNSEL**

11 v.

12 LIONEL SCOTT HARRIS,

13 Defendant.  
14 \_\_\_\_\_/


15 On August 14, 2014, defendant Lionel Scott Harris, proceeding *pro se*, filed a motion for  
16 appointment of counsel. Docket No. 500. In the motion, defendant states that he believes he is entitled  
17 to relief for reduction of sentence under 18 U.S.C. § 3582(c)(2), based on Amendment 782 of the  
18 Sentencing Guidelines. *Id.* This provision is set to take effect on November 1, 2014 and is available  
19 for retroactive application. 79 Fed. Reg. 44973, 44793 (Aug. 1, 2014).

20 “Amendment 782 reduced by two levels the offense levels assigned to the quantities that trigger  
21 the statutory mandatory minimum penalties in § 2D1.1 and made parallel changes to § 2D1.2.” *Id.*  
22 However, although the amendment will take effect November 1, 2014, it also provides that a “court shall  
23 not order a reduced term of imprisonment based on Amendment 782 unless the effective date of the  
24 court’s order is November 1, 2015, or later.” *Id.* The Sentencing Commission concluded that this  
25 one-year delay in the effective date of any orders granting sentence reductions under Amendment 782  
26 is needed “to give courts adequate time to obtain and review the information necessary to make an  
27 individualized determination in each case of whether a sentence reduction is appropriate.” *Id.* at 44974.  
28 In light of this one-year delay, the Court concludes that defendant’s request for the appointment of

counsel is premature at this time. Accordingly, the Court DENIES defendant's motion for the appointment of counsel without prejudice to defendant renewing his request on or after **August 1, 2015**.<sup>1</sup>

**IT IS SO ORDERED.**

Dated: August 19, 2014

  
\_\_\_\_\_  
SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California

---

<sup>1</sup> The Court's order does not express any conclusions or findings as to whether defendant is entitled to a reduction in sentence under 18 U.S.C. § 3582(c)(2) based on the retroactive application of Amendment 782.